



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

JUL 13 2012

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Disestablishment of the Army National Cemeteries Commission and Establishment of the Advisory Committee on Arlington National Cemetery

Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix) and 41 CFR § 102-3.50(d), the Secretary of Defense established the Army National Cemeteries Advisory Commission, hereinafter referred to as 'the Commission,' on October 11, 2010, as a discretionary Federal Advisory Committee. On December 31, 2011, Public Law 112-81 § 4723, National Defense Authorization Act for Fiscal Year 2012, directed the Department to create an "advisory committee on Arlington National Cemetery," hereinafter referred to as 'the Committee,' to advise the Department "with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery."

As advised by both my Advisory Committee Management Officer (ACMO) and your staff, there are considerable efficiencies and synergies to be gained by leveraging the existing Commission's membership, charter, and work accomplished to date. Unfortunately, because of the change in status from a discretionary to a non-discretionary advisory committee, we cannot simply amend the current charter. Accordingly, effective August 1, 2012, the Army National Cemeteries Commission will be disestablished and the Advisory Committee on Arlington National Cemetery will be established. The ACMO will work with the General Services Administration (GSA) and your staff to facilitate a seamless transition to minimize disruption of the Committee's work to include asking the Secretary of Defense to approve the same membership and subcommittee structure.

The ACMO working with your staff and GSA has finalized the Committee's charter and membership balance plan. However, please be advised that changes to the Departmental Federal Advisory Committee Management Program, to include new policies on committee/subcommittee membership, structure, and governance, will be forthcoming and could have effect for the subject Committee. The ACMO has already submitted a Federal Register notice announcing both the disestablishment of the Commission and the establishment of the Committee. Once the announcement of the new Committee appears in the Federal Register for 15 calendar days, the ACMO will file the Committee's charter with GSA, the Library of Congress, and the Congressional oversight committees. At the same time, the ACMO will provide the Committee's Designated Federal Officer (DFO) with a copy of the filed charter.

As part of the charter process, this office, in consultation with your staff, has affirmed that all individuals appointed to the Committee, once approved by the Secretary of Defense, shall be appointed to serve as special government or regular government employee members, as appropriate. The following points apply:





(a) Individual members approved for appointment or renewal by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employee members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee members.

(b) Each member shall be notified, in writing, of the Secretary of Defense approval decision. In preparing your appointment or renewal of appointment letters, the Committee's DFO should consult the ACMO and DoD OGC, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:

- i. That Committee members, with the exception of compensation for official travel and per diem, will not be compensated for their service.
- ii. That they are appointed to serve as special government or regular government employee members, as appropriate.
- iii. An explanation of the difference between serving as special government employees and representative members, and a summary of the applicable ethics requirements, to include whether they are required to file a Confidential Financial Disclosure Report.

As the Committee's DoD Sponsor, you are responsible for:

(a) Ensuring that the Committee's DFO attends all Committee and subcommittee meetings for the entire duration of each and every meeting.

(b) Ensuring that the DFO and the Committee fully comply with all governing Federal statutes and regulations, to include DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program."

(c) Ensuring that all Committee and subcommittee work is based upon written tasks or terms of reference assigned to the Committee by the Secretary of Defense, the Deputy Secretary of Defense, or you, as the sponsor. All tasks or terms of reference are subject to public review and, at a minimum, shall include:

- i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
- ii. Authority for the Committee members to have access to DoD officials and DoD data that is pertinent to the matter(s) under consideration.
- iii. A budget limitation under which the Committee members must operate.
- iv. A date by which the Committee or subcommittee must submit its written conclusions (advice and recommendations) to the DoD decision maker.

(d) Providing adequate support to the Committee and its membership, and ensuring that the Committee's membership is not unduly or inappropriately influenced by Federal employees or any special interest group.

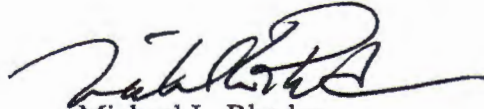


(e) Ensuring that the Committee members are appointed according to DoD policy and that they do not serve on the Committee until all personnel and ethics paperwork is processed by the appropriate offices.

(f) Ensuring that all DoD and other agency documents provided to the Committee are marked according to governing DoD policy and procedures.

(g) Monitoring the implementation status of any recommendation adopted by the DoD or the Congress, and ensuring that this information is available for future inquiries.

If you should have any questions about the Department's program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact the ACMO, Mr. Jim Freeman at 703-692-5952, or by email at [James.Freeman@osd.mil](mailto:James.Freeman@osd.mil).



Michael L. Rhodes  
Director

Attachments:

Tab A – Charter

Tab B – Membership Balance Plan

